

# Overview and Scrutiny Management Board Meeting

8<sup>th</sup> March 2018



**Report of:** Service Manager, Democratic Engagement

**Title:** Outcomes of the Scrutiny Workshop and Proposed Model

**Ward:** Citywide

**Officer Presenting Report:** Andrea Dell

**Contact Telephone Number:**

## 1. Recommendations

- a) That members consider the findings of the Scrutiny Ways of Working Workshop (para 5).
- b) That members discuss the proposed model that has been developed from the discussions at the workshop, and agree a way forward (para 5.2).
- c) That members consider and comment on the issues raised regarding planning of the Scrutiny Work Programme (para 5.3) and agree that these be taken forward to inform the future development of the work programme.

## 2. Summary

On February 22<sup>nd</sup> 2018 a workshop was held for members to review the current ways of working, and to consider and develop options for the future scrutiny structure (Workshop programme attached at Appendix A).

All members were invited to attend the workshop. 21 members attended (List of Attendance attached at Appendix B).

At the workshop, members were invited to reassess key principles to underpin scrutiny activity, and were asked to consider the optimum balance of different types of scrutiny activity for a future hybrid model.

The outcomes of the workshop are set out in Section 5.



### **3. Policy**

Bristol City Council is required to establish an Overview and Scrutiny function and discharge its duties in accordance with the following legislation - Local Government Act 2000, Health and Social Care Act 2001, NHS Act 2006, Police and Justice Act 2006, Flood and Water Management Act 2010, Localism Act 2011, Health and Social Care Act 2012.

### **4. Context**

From September 2017, a new scrutiny system has been trialled in response to cross-party member feedback that scrutiny was not delivering effective scrutiny, quality outcomes, nor making the best use of resources including councillor time.

The member-led trial of the new system has moved away from the previous departmentally aligned scrutiny commissions towards more informal and flexible ways of working, with OSMB commissioning a number of task and finish groups according to agreed work programme priorities.

When the new ways of working were agreed by members, a commitment was given that a review would be carried out in February 2018 to gauge members' views, to assess progress, and to collectively determine a way forward. It was agreed that this would be done by means of a workshop.

At its meeting on 12<sup>th</sup> February, ahead of the workshop, OSMB considered potential models for a future scrutiny structure and expressed a preference for a hybrid model consisting of a mix of formal meetings and working groups. It was agreed that the focus of the workshop should be on further discussion to determine the optimum balance between the different types of scrutiny.

The workshop was held on February 22<sup>nd</sup>, and was therefore to help enable members to review the current ways of working and to consider options for the future scrutiny structure.

### **5. Outcomes of the Workshop**

The workshop consisted of three sessions – the main outputs of these are as set out below. The outputs of the individual groups for each session can be found at Appendix C.

#### **5.1 Session One – Future Key Principles**

At the first session in the workshop, members discussed the guiding principles that could underpin a future scrutiny model. The outcome of this session is attached at Appendix D.

#### **5.2 Session Two – Hybrid Scrutiny Model**

Members used this session to define what the balance of scrutiny activity should be within a scrutiny model encompassing both formal public scrutiny meetings and informal working groups.

There was a general consensus of the majority of members present that a model based on departmental structure was the preferred option, and that the split of scrutiny activity needed to be

shifted away from an 80/20 split in favour of formal meetings, to include more capacity for informal working, i.e. more like an 60/40 balance.

The proposed model is therefore as follows;

<b>OSMB</b>		
<ul style="list-style-type: none"> <li>• 5 meetings per year</li> <li>• Responsibility includes Corporate Risk Register and Performance</li> <li>• Responsibility for overall scrutiny work programme</li> <li>• 1 Budget/ MTFP related Working Group</li> <li>• Responsibility for commissioning working groups (or select committees, task groups, inquiry days)**</li> </ul>		
<b>Growth &amp; Regeneration Scrutiny Commission</b>	<b>Communities Scrutiny Commission</b>	<b>Care &amp; Safeguarding Scrutiny Commission</b>
<ul style="list-style-type: none"> <li>• 3 meetings per year</li> </ul>	<ul style="list-style-type: none"> <li>• 3 meetings per year</li> </ul>	<ul style="list-style-type: none"> <li>• 3 meetings per year</li> <li>• 2 meetings of Health Sub-committee (carries out the statutory health scrutiny function and could include the statutory Joint Health Scrutiny function)***</li> </ul>
<b>Key features:</b>		
<ul style="list-style-type: none"> <li>• 16 formal meetings</li> <li>• Up to 6 working groups over the course of the year (including Budget/MTFP)</li> <li>• Mechanisms included for Children and Safeguarding and Education issues (via Care &amp; Safeguarding Committee)</li> <li>• Regular public scrutiny</li> <li>• Formal public scrutiny shared between four commissions including responsibility for health, not solely with OSMB</li> </ul>		

### 5.2.1 Risks and Mitigations

- *Risk:* Balance of work between the four committees may be wrong. *Mitigation:* If this model was adopted, the 4 chairs would need to monitor the balance of work. It is important to bear in mind that a new departmental structure will impact on Council departments as well as scrutiny, and scrutiny chairs will need to reassess progress against the scrutiny work programme to ensure that the balance of meetings matches the requirements of the workload.
- *Risk:* Overloaded agendas: could be a temptation for committees to try and cover all services within each department resulting in overloaded agendas and subsequent superficial scrutiny. *Mitigation:* Committees will need to exercise self-restraint and prioritise areas for focus
- *Risk:* Silo working: could result in the focus of scrutiny being shifted from the Executive and onto officers. *Mitigation:* Regular attendance and involvement from Cabinet Members.

### 5.2.2 *Issues for further consideration*

- There are a number of items which scrutiny either has a statutory duty to scrutinise, or that it is highly recommended be retained within any future work programme. This list was provided to the workshop and is attached at Appendix E.
- The number of working groups running at any one time will depend very much on a number of factors such as a) officer capacity, b) the topic under consideration (i.e. intensity required, long term topic or short, sharp, deep dive), c. timing i.e. is the group working to a specific timeframe (would it be better for start to be delayed to coincide with other workstreams).
- \*\*\*The Joint Health Overview and Scrutiny Committee (JHOSC) resource issue remains unresolved. Bristol is committed to host 1 of 3 meetings per year on a rotating basis between the three local authorities. Consideration could be given to the JHOSC being placed under the remit of the Care & Safeguarding Scrutiny Commission – this requires further discussion.
- Although OSMB would retain overall control of the Scrutiny Work Programme, the Commission/Working Group chairs should have more of a role in managing priorities and this would be best enabled through regular informal meetings (i.e. ‘Leads meetings’). The existing arrangement of Scrutiny Commission/Working Group chairs sitting on OSMB should be continued.
- \*\*There does not appear to be a member consensus as to whether working groups should be commissioned by OSMB or by each Commission – this requires further discussion.
- The situation regarding remuneration for Scrutiny Commission/Working Groups Chairs/Vice Chairs needs to be considered by the Independent Remuneration Panel once the final Scrutiny structure has been agreed.
- Members have an important role in keeping a ‘watching brief’ on relevant areas, but Scrutiny should not be used as a way of briefing Members thus taking up valuable time in meetings and often excluding other Members who could be interested.
- Any future Working Groups should be carefully planned before commencement so that the objectives and timetable were clear; only those that had a tight remit and purpose should be taken forward with other topics taking an alternative route.
- Monitoring the performance of the Council is an important function of Scrutiny and therefore additional consideration should be given to the best approach to this, given that this would form part of the remit of OSMB (including the selection of Key Performance Indicators etc). OSMB leads have previously recommended a workshop specifically to review this area.

### 5.3 **Session Three – Planning for the Work Programme**

The purpose of this session was for members to think ahead to the development of the scrutiny work programme - how best to approach this and what the potential sources of information could be. A range of proposals were put forward including the following key suggestions:

- Senior departmental officers should provide information at the work programme session: i.e. details of the ongoing workstreams in departments; areas where officers would welcome/require scrutiny input; work coming up in near/longer term; areas where performance is a concern; what officers consider to be the department’s priorities/challenges.
- It is vitally important to define success measures/outcomes of scrutiny items (especially working groups) at the time of setting the work programme and if these are found to be unclear, members should be prepared to reject them as scrutiny topics.

- KPIs are critical when setting the work programme - members should focus on those that are red and also on where the council does badly with regard to value for money - this latter should be a major red flag for scrutiny.
- We need to incorporate external sources of information and views into the setting of the work programme eg. ask the “Voice” groups for their suggestions for scrutiny priorities and feed these into the work programme setting process.
- A process to funnel and/or filter potential items and understand where scrutiny can and cannot have an impact or add value was seen as important. Similarly, a criterion, which must be met to aid decision making, was also suggested a number of times.
- Cabinet Members involvement and input was seen as essential when Members are considering populating the work programme – especially ‘horizon-scanning’ type items.

## **6. Proposed Next Steps**

If the decision is taken by OSMB to change the structure of Scrutiny then the amendments would ideally be taken forward as part of the review of the constitution that is likely to be considered at the annual Full Council meeting in May 2018.

### **Appendices:**

Appendix A – Programme for Scrutiny Workshop

Appendix B – List of Attendance

Appendix C – Notes from Workshop Tables

Appendix D – Future Key Principles

Appendix E – List of Statutory/Recommended Items

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Background Papers: [OSMB meeting papers for 12th February 2018](#)